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INTERNATIONAL CONCERN WITH CRIME AND CORRECTIONS

Frank Loveland*

I. INTRODUCTION

International concern with crime and corrections is not a recent phenomenon. Students of international penology first gathered in Frankfurt, Germany in 1846, in Brussels in 1847, and again in Frankfurt in 1858. But the more representative and important series of international conferences did not begin until 1872, when the first International Penal and Penitentiary Congress was held in London. The moving spirit and organizer of that Congress was Dr. Enoch Cobb Wines, then Secretary of the Prison Association of New York, who two years before had organized a National Prison Conference in Cincinnati, the forerunner of the present American Correctional Association. At the Cincinnati meeting, which was attended by a few penologists and prison administrators from European countries, it was noted that "the time has come for an international congress to be summoned. . . ."¹ Dr. Wines believed that for such a conference to be effective and if ". . . solid penitentiary reform is to be had, it must in the end be through action of government."² For this reason he urged the United States and other nations to provide for official representation at the proposed international conference. Congress authorized President Grant to appoint a commissioner to the proposed congress and Dr. Wines was appointed to that position. In London, he was elected President of the Congress as well as President of the newly-formed International Prison Commission, which was later to become the International Penal and Penitentiary Commission (IPPC). The first Congress involved approximately one hundred official delegates representing twenty-one countries, and some four hundred participants were present at the various sessions. This and later Congresses included among their participants not only official governmental representatives but other persons in the fields of law and corrections.

During the early period of IPPC's existence, the principal concern was limited to "penitentiary reform"—the improvement in prison conditions. However, even at the 1872 Congress the subjects for discussion included: (1) criminal procedure and preventive

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¹ TEETERS, *DELIBERATIONS OF THE INTERNATIONAL PENAL AND PENITENTIARY CONGRESSES* 14 (1949).

² *Ibid.*

policies; (2) the punishment of the criminal; and (3) his treatment when discharged. The latter subject preceded the concept of parole supervision as a government function. At this time, if discharged prisoners were assisted at all, it was ordinarily through private prisoner aid agencies, which were well represented at the Congresses. Subsequent Congresses ordinarily included three major divisions: (1) penal legislation; (2) penitentiary establishments; and (3) prevention. Under the topic of prevention, which was far more restricted then than we think of it today, were considered such matters as the treatment of liberated prisoners, the principles under which reformatory institutions should be operated, and the emphasis to be given penitentiary education. By 1895 a fourth major subject, children and minors, was included to cover such topics as the legal age of "penal minority," schools and houses of corrections for minors, and physical training of minors. Despite this extension of the range of topics, the penitentiary and "penitentiary science" still remained the major subjects for discussion.

When the United Nations was established, it was decided that its role should include a program for the prevention of crime and treatment of offenders. It was recognized that the United Nations undertaking would duplicate that of IPPC and since both organizations were financially supported by governments, the IPPC, at the time of its last Congress, held at The Hague in 1950, agreed to the transfer of its functions to the United Nations. Under the plan of transfer³ the United Nations agreed, among other things, to hold international congresses at five-year intervals and also to hold regional conferences. The first of the quinquennial Congresses on the Prevention of Crime and the Treatment of Offenders was held in Geneva in 1955, the second in London in 1960 and the third in Stockholm in 1965.

The Stockholm Congress was attended by approximately 1200 participants from 80 countries. The participants included official representatives of governments, representatives of specialized agen-

³ U. N. GEN. ASS. RES. 415 V, December 1, 1950. The secretariate which directs the work on the prevention of crime and treatment of offenders in the United Nations is the Section of Social Defence of the Bureau of Social Affairs. In addition to conducting the quinquennial congresses and regional conferences and seminars, it publishes the *International Review of Criminal Policy*; makes studies on subjects suggested by the Social Commission and Economic and Social Council; cooperates with the Technical Assistance Program of the U.N. in making studies and surveys at the request of member nations; provides fellowships for officials and students to observe and study the correctional practices of other countries; and operates an Asia and Far East Institute for personnel training and research in Japan.

cies of the United Nations and of inter-governmental and non-governmental organizations in consultative status with the Economic and Social Council which are concerned with social defense matters, and individual participants having a direct interest in the field. Both the number of participants and the number of countries represented have grown with each successive United Nations Congress, partly due to the increasing interest of governments in crime and delinquency with special reference to prevention, control and treatment, and partly because of the increased number of emerging countries in Africa and Asia.

The United States was represented in Stockholm by an official delegation of twenty-four, chaired by the Honorable Thurgood Marshall, Solicitor General of the United States, with Mr. Myrl E. Alexander, Director of the United States Bureau of Prisons, serving as vice chairman.⁴ The delegation was selected with the intent of including members familiar with each of the topics on the agenda. It was composed of several judges, including a juvenile court judge, a number of correctional administrators and authorities representing institutional, probation and parole agencies and juvenile delinquency services, a psychiatrist, a professor of criminology, a state attorney general, a representative of a judiciary committee of Congress, a chief of police of a large city, an authority on criminal justice and persons representing the preventive and social programs now being sponsored by the federal government. Also present as participants were some seventy additional representatives of the United States, five of whom had places on the program, while still others were representatives of international agencies.

The delegation devoted considerable time to preparation for the Congress. Preliminary work included the publication by the Department of Justice and the Department of Health, Education and Welfare of several documents related to topics on the agenda for distribution to participants at the Congress.⁵

II. SCOPE OF THE CONGRESSES

Perhaps the most interesting phenomenon in the history of international conferences on crime and delinquency is the change which has occurred in subject matter discussed and in the interests of the participants. As has been previously indicated, the discus-

⁴ The author was Technical Secretary of the U. S. Delegation.

⁵ One of these, *TRENDS IN THE ADMINISTRATION OF JUSTICE AND CORRECTIONAL PROGRAMS IN THE UNITED STATES* (1965), may be obtained on request from the Director, U. S. Bureau of Prisons, Department of Justice, Washington, D. C.

sions at the IPPC conferences were centered on the traditional prison. With the creation of the program on Prevention of Crime and Treatment of Delinquency in the United Nations, even the name of the program gave priority to prevention. During the three United Nations Congresses spanning the past fifteen years, a decided trend toward broadening the subject matter can be noted. In 1955, Congress agenda topics were: (1) standard minimum rules for the treatment of prisoners; (2) selection and training of personnel for penal and correctional institutions; (3) open penal and correctional institutions; (4) prison labor; and (5) prevention of juvenile delinquency. In that Congress, four of the five topics were devoted principally to prisons for adults.

In the 1960 London Congress the topics were: (1) new forms of juvenile delinquency; (2) special police services for the prevention of juvenile delinquency; (3) prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries; (4) short-term imprisonment; (5) the integration of prison labor with the national economy, including the remuneration of prisoners; and (6) pre-release treatment and after-care, as well as assistance to dependents of prisoners. Of these six topics, only one is concerned with the traditional prison, (*i.e.*, prison labor), two are devoted to juvenile delinquency, one to jails (during the discussion of which considerable emphasis was given to alternatives to short-term imprisonment, such as probation), and one to specific preparation of the prisoner for release into the community, parole and after-care. One topic represented a significant departure from previous meetings in that specific attention was given to the less developed and emerging countries. At the Second Congress, the focus of discussions shifted for the first time from the conditions and programs existing in the correctionally more sophisticated countries, to the needs of nations with less adequate resources.

At the 1965 Congress in Stockholm, the words "penal," "penitentiary" or "prison" could not be found in any of the topics on the agenda. The subjects were: (1) social change and criminality; (2) social forces and the prevention of criminality (particularly the public, the family, educational facilities and occupational opportunities); (3) community preventive actions (with particular reference to the planning and implementation of medical, police and social programs); (4) measures to combat recidivism (with particular reference to adverse conditions pending trial and inequality in the administration of justice); (5) probation (especially adult probation) and other non-institutional measures; and (6) special preventive and treatment measures for young adults. In addition, an

entire day in plenary session was devoted to research.⁶

(1) *Social Change and Criminality.*

While some of the agenda items might be considered general in nature, it was the consensus of participants that all the subjects were pertinent and required thorough inquiry. For example, there was considerable discussion of ways in which changes in society affect the incidence of delinquency and criminality. It was contended that changes in social institutions occur in all societies, both the developed and the less developed. A number of participants emphasized that legal systems do not adequately reflect changes in the behavioral patterns of a society or nation; that "laws do not always keep up with the social changes occurring in society, with the result that crimes occur and criminals are made by laws sociologically no longer acceptable to the society."⁷ Examples cited included some sex laws and laws making drunkenness a criminal offense. An increasing tendency was noted in most countries to bring about "social control through law to replace the decline in family, religious, tribal, village and caste controls."⁸ It was generally agreed that care should be exercised in employment of criminal sanctions to deal with all forms of deviant behavior. It was also noted that as society becomes more complex, more legislation is enacted which causes an increasing number of acts, or their omission, to become criminal (e.g., commercial and industrial regulations, compulsory insurance, regulation of motor vehicles, new forms of taxation).

In this session as well as in others, and also in the discussions at previous Congresses, attention was given to urbanization and industrialization and their relationship to the increase in criminality. The relationship is most noticeable in the rapid changes occurring

⁶ A review of the Special General Meeting on Research to which a full day was devoted, will not be attempted in this article. It is significant to note, however, that in no previous Congress had the need for research been so continuously emphasized, not only in the consideration of that subject, specifically, but in the discussion of every other topic. The emphasis was so great that researchers themselves had to warn that research, in its present state, could not answer all the questions which were being presented.

⁷ Rapporteurs' Summaries, The Third United Nations Congress on the Prevention of Crime and Treatment of Offenders, Agenda Item I, p. 1 (1965) (Mimeograph by U. S. Bureau of Prisons) [hereinafter cited as Rapporteurs' Summaries]. (Copies of this report are available on request from the Director, U. S. Bureau of Prisons, Department of Justice, Washington, D. C.)

⁸ *Id.* at Agenda Item I, p. 2.

in the developing countries; but even in the more developed countries the much higher crime rates in large cities as opposed to the towns and rural areas is well recognized. Urban areas are more impersonal, lack the social controls ordinarily present in rural areas and depend more on law for control. The effect of urbanization on youth criminality was particularly emphasized. In the discussion of social change, as in all other subjects on the agenda, there were suggestions that research is needed. Not enough is known about the dynamics of social change and criminality and such information is needed if realistic prevention and treatment programs are to be devised.

(2) *Social Forces and the Prevention of Criminality.*

The discussion under this topic indicated world-wide support for increased involvement of the community, in both preventive and treatment measures. Numerous illustrations of ways in which the community can and is participating included the comradeship courts in the U.S.S.R., the expansion of school programs to include professional personnel capable of assisting in the diagnosis and treatment of children having behavior problems which may result in delinquency, the development of closer relationships between the police and the public, and community educational and organizational programs directed toward prevention. In addition, the greater utilization of citizens in treatment agencies such as institutions for juvenile and adult offenders was discussed. The need for eliminating the isolation of such social institutions and services as schools and medical and welfare agencies from those dealing with offenders and potential offenders was repeatedly emphasized. Here again, the need for a study of the effectiveness of these different measures was stressed as essential to efficient social planning.

(3) *Community Preventive Action.*

The review of social forces logically led into a consideration of more specific programs, and major attention was devoted to the planning and coordination of preventive measures. Aside from the need for improvement in living conditions, the need to mobilize and centralize preventive programs in the high delinquency and crime areas was stressed. It was pointed out that in many jurisdictions, the social institutions principally concerned with prevention are those most poorly supported by government. The up-grading and development of greater effectiveness within these agencies requires more dynamic efforts to persuade the community and each of its members of the stake they have in the social and economic toll of

criminality and, therefore, their stake in prevention. A number of illustrations of ways in which different countries were planning and coordinating preventive programs were given. These ranged from governmental departments established for the specific purpose of directing and coordinating prevention programs to less centralized programs of community education and programs which coordinate the activities of public and private agencies concerned either directly or indirectly with delinquency and crime. It was emphasized that the emerging countries should not have to go through the trial and error methods of the more developed countries, for they could profit from their experience.

(4) *Measures to Combat Recidivism.*

The topic of reducing recidivism always seems to present itself in one way or another at the recent international meetings. It is a generally accepted concept that recidivism can be reduced and that correctional administrators have the responsibility to find ways to make their programs more effective. A number of countries reported increases in recidivism, but it was believed that, to some extent at least, this reflected the increased use of non-institutional measures, such as probation, which has resulted in persons more established in criminal ways being committed to prisons.

As in other areas, it was agreed that there was urgent need for more scientifically established knowledge dealing with the effectiveness and the deficiencies of correctional programs as a guide to correctional development.

The discussions had "particular reference to adverse conditions pending trial and inequality in the administration of justice."⁹ Representatives of most countries admitted that there exists widespread discrimination in the treatment of persons accused of crime on the basis of social position and financial status. There was "unanimity on the aim of reducing so far as possible the needless arrest and detention of suspected persons, and of detaining them in custody only when such a course was absolutely necessary for the protection of society."¹⁰ Aside from considerations of human rights, the aim can be supported as a means of avoiding the adverse effects of unfair or prolonged detention of the accused.

Unjustified disparity of sentences, meaning the application of different sentencing principles to offenders similar "in terms of

⁹ *Id.* at Agenda Item IV, p. 1.

¹⁰ *Ibid.*

crime, criminal record, personality and social dangerousness"¹¹ was believed to contribute to recidivism. In this connection the sentencing institutes held by judges in the United States were described, as well as the sentencing council procedure used by the eight judges of the Federal District Court for the Eastern District of Michigan.¹² Other countries described training for magistrates and guides for sentencing which have been developed. The need to provide legal aid for arrested and accused as well as convicted persons received considerable attention at the Congress, as it is now receiving in the United States.

In considering the programs of correctional institutions in relation to recidivism, considerable attention was given to the need for better training of personnel. Representatives of many countries indicated that such programs were in only rudimentary stages. In this connection reference was made to recent correctional research indicating the important influence of custodial and work supervisory personnel on inmates.

It was recognized that in the methods to reduce recidivism a great gap exists between precept and practice.

Means of narrowing this gap were discussed and two such were thought to merit particular attention. First, in every country a continuing effort should be made to involve the judiciary and the organized legal profession in the prevention and treatment of crime; secondly, on-going, continuing research evaluating current and developing methods of preventing recidivism is a necessity if social protection is to be achieved, human suffering minimized, and financial waste avoided.¹³

(5) *Probation and other Non-Institutional Measures.*

This subject is better known in the United States and in a number of European countries than in most of the remainder of the world. Although we regard probation as an integral part of the system of criminal justice and corrections, most countries have no probation system. This is incongruous since probation as a court disposition is far less costly than commitment to prison, and the developing countries have meager budgets for corrections. There are two reasons for its non-acceptance in these countries: first, the only traditional sanction is imprisonment, and second, most gov-

¹¹ *Id.* at Agenda Item IV, p. 2.

¹² See Levin, *Toward a More Enlightened Sentencing Procedure*, 45 NEB. L. REV. 499 (1966); Youngdahl, *Development and Accomplishments of Sentencing Institutes in the Federal Judicial System*, 45 NEB. L. REV. 513 (1966).

¹³ Rapporteurs' Summaries, Agenda Item IV, p. 5.

ernment officials assume that probation officers must be professionally qualified persons and that few or none are available in their respective countries. The Rapporteur's report, for example, included such statements as the following:

Its (probation) results are particularly striking wherever it has been integrated in the cultural patterns and social setting. . . . In countries which rely on traditional methods of punishment, its introduction would be a major step in the evolution of penal policies.¹⁴

The content of the discussions will not be summarized here, except to say that they included the rationale of probation, the importance of the probation pre-sentence report to the court, the proper selection of probationers, the elements of supervision, the importance of trained personnel and the need for reasonable work loads.

Under the subdivision "other non-institutional measures" consideration was given to extramural labor based on the idea of rehabilitation through work. Also, restitution to the victim was advocated as a separate and constructive measure.

(6) *Special Preventive and Treatment Measures for Young Adults.*

Both in the United Nations Congresses and in the work of the Social Defence Section of the Bureau of Social Affairs, increasing attention has been given to what the 1965 Congress listed as special preventive and treatment measures for young adults. Until relatively recently, attention has centered principally on adults or on juveniles. However, there has been a growing recognition of the special problems presented by and the special treatment measures needed for offenders above the juvenile age who cannot properly be identified with the broad category of adults. One reason for their importance is that in most countries, the young adult age group commits far more crime than any other age category. Also, as would be expected, persons in this group require different and far more intensive treatment measures than older offenders. Finally, they have longer to live and it is especially important in terms of the social and economic costs to society that they be directed away from criminal behavior.

As is often the case in international discussions, it is difficult to arrive at definitions—in this instance the age limitations of "young adult." In most countries they were thought of as above the age of the juvenile delinquent, or about sixteen or eighteen to the age of twenty-one, and in a few instances, to twenty-four.

¹⁴ *Id.* at Agenda Item V, p. 1.

It was emphasized that in this group particularly, probation should be used before institutionalization, whenever possible. Experiments were reported indicating that under intensive supervision, probation could succeed even with repeated offenders. In some countries short institutional commitments, for periods of several weeks, involving very intensive treatment, are being tried with some youthful offenders. While it is impossible to summarize adequately all pertinent points discussed, it was generally agreed that institutional programs for youth should particularly emphasize education, vocational training, intensive individual and group counseling, the use of small group techniques and mandatory after-care supervision. Although treatment of young adult offenders in small groups is theoretically accepted by an increasing number of correctional authorities in the United States, by and large our institutions for young offenders, where they do exist, are far too large for the proper implementation of these techniques.

Preventive measures for this age group received much less discussion than treatment measures, largely because special preventive programs have not been developed. Prevention as discussed under other topics was considered generally applicable. Again, the need for research was a recurrent theme.

III. CONCLUSION

It was the consensus of United States participants who had attended previous United Nations Congresses on the Prevention of Crime and Treatment of Offenders, and who were acquainted with the IPPC Congresses, that the demand for constructive change in corrections highlighted the ten-day Stockholm Congress as it had at no other previous international conference. In so doing, the terms of reference and the objectives of the program of social defense were decidedly broadened. Also permeating the Congress was the special attention given to the implications of each topic for the developing, as well as the developed, countries, a decided departure from the earlier conferences. The need for more factual information and for more research was continually mentioned. There was widespread demand for better selection of personnel and, even more urgent, the development of better programs of personnel training in all phases of corrections and prevention.

Finally, there is a rapidly growing recognition of the fact that crime and criminals, and programs of prevention and treatment cannot be considered as an isolated subject; that social defense and corrections cannot be considered as unrelated to the total culture and the social and economic fabric of society. There is emerging a

realization of the potential contributions that international specialized agencies can make and of the need for greater integration and closer collaboration with these agencies. And, there is an increasing interest in learning about the activities of such organizations as the World Health Organization (WHO), the International Labor Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). What do these organizations do? In what ways are their programs related to the prevention of crime and treatment of offenders? It has become quite apparent, both internationally and in the United States, that education, school drop-outs, occupational training for the unskilled, the employment of released prisoners, medical, psychiatric and psychological diagnosis and treatment are all essential problems and essential services in prevention and treatment. The lack of integration and coordination of social defense activities with those of the specialized agencies and the failure to use the pertinent knowledge and the services which they can provide, has caused inexcusable waste and has retarded the development of badly needed, more effective programs. The encouraging trend in recent years has been toward the elimination of the isolationism from which prevention and correctional treatment have suffered so long.

There can be no doubt that these Congresses are providing much needed communication between countries on improved methods and that there is developing a world-wide fraternity in the field which transcends national and ideological boundaries. Preparation is already underway for the Fourth United Nations Congress on the Prevention of Crime and Treatment of Offenders, to be held in Tokyo in 1970.